IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6149 OF 2005

The State of Maharashtra & Anr. ...Petitioners.
Vs.
Prakash Ramchandra Deshmukh. ...Respondent.

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Mr. N. P. Deshpande, AGP for the Petitioners.
Mr. V. M. Parsurami with Mr.N. V. Bandiwadekar for the Respondent.

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CORAM : F.I REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

October 3, 2005.

P.C.

Rule. Heard forthwith.

The Respondent- State has moved this Court against the order dated 18th January 2005 whereby the Petitioners were directed to complete the departmental enquiry within four months from 18th January 2005. There was further direction that in the event the enquiry was not completed, the applicant was to be reinstated in service.

The Petitioners thereafter took out Miscellaneous Application in the Original Application which was disposed of by an

order dated 1st July 2005. The time sought for by the Petitioners of six months to complete the departmental enquiry was extended. However, the Petitioners were directed to reinstate the Respondent in service during the pendency of the departmental enquiry as directed by the earlier order of the Tribunal.

The present petition seeks to challenge that part of the order whereby the Petitioners have been directed to reinstate the Respondent in service.

Considering the controversy, we do not propose to give detailed reasons as in our opinion, the ends of justice would be met if the Petitioners are directed to complete the enquiry, at any rate, not later than 28th February 2006. We have noted that Miscellaneous Application No.154 of 2005 taken out by the Petitioners herein, in Original Application No.699 of 2004 had sought extension of six months. The order was passed on 1st July 2005 and ordinarily the period of six months would come to an end on 31st December 2005. However, considering the request of the Petitioners, we are extending the time under the firm assurance that under no circumstances, they will apply for further extension

and at any rate complete the enquiry by 28th February 2006. On behalf of the Respondent the Learned Counsel states that the Respondent will cooperate in completing the enquiry. In the light of that, time to complete the enquiry is extended till 28th February 2006.

In so far as the order of reinstatement is concerned, considering that the enquiry is directed to be completed by 28th February 2006, we do not propose to pass any order at this stage. Really speaking the Court normally would not interfere with an order of suspension invoked by the disciplinary authority, except in the circumstances where conduct of an enquiry is malafide and/or a long period of time has elapsed between the commencement of enquiry and the continuous period of suspension. In the instant case we do not consider the period to be such as to warrant interference. In the light of that the order dated 18th January 2005 directing the Respondents to complete the enquiry within four months and consequential order dated 1st July 2005 directing reinstatement are set aside. In the event that the enquiry is not completed by the extended period, liberty to apply before this Court for directions.

Rule made absolute. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)